BUILDING CODES COMMITTEE MEETING

TUESDAY, JANUARY 7, 2020 | 6 PM

1st committee meeting

The Committee will meet in the Mauldin City Hall at 5 East Butler Road in the 2nd Floor Conference Room at 6 p.m.

Council agendas are outlines for a Council meeting showing what business the Council will be discussing on that date.

AGENDA

1. Call to Order

2. Public Comment

3. Reading and Approval of Minutes

a. Building Codes Committee Meeting: December 2, 2019 {Pages 2-3}

4. Reports or Communications from City Officers

a. Budget Review
b. Department Reports
    i. Planning Commission Comprehensive Plan Resolution

5. Unfinished Business

a. Planning Commission Vacancy {Pages 4-8}

6. New Business

a. Annexation at Loblolly Circle and Laurel Drive {Pages 9-33}
b. Small Cell Wireless Facilities Ordinance {34-54}

7. Public Comment

8. Committee Concerns

9. Adjourn

Minutes
Building Codes Committee
December 2, 2019
6:00 p.m.
5th committee meeting

Members present were Chairman Dale Black and Council member Carol King. Business and Development Services Director David Dyrhaug and City Administrator Brandon Madden were also present. Council member Larry Goodson was not present.

1. Call to Order- Chairman Black

2. Public Comment- None

3. Reading and Approval of Minutes
   a. Building Codes Committee Meeting: October 7, 2019
      Councilwoman King made a motion to accept the minutes with Chairman Black seconding. The vote was unanimous (2-0).

4. Reports or Communications from City Officers
   a. Budget Review- The ideal remaining percentage is 58% and the department is currently at 67%.
   b. Department Reports- The new software will be launched this month. The soft opening is tomorrow with continued testing. December 11th is the formal start date with the new software. Brandon said David has done a great job with this and it helps address one of the Council goals by putting BDS forms information online.

5. Unfinished Business
   a. Rezoning at Centimeters Drive- The current zoning is C2 and the developer is requesting RM. This came through on first reading in October and has been held by request of the property owner.

      Councilwoman King made a motion to send this item to Council for second reading. Chairman Black seconded the motion and the vote was unanimous (2-0).

6. New Business
   a. Rezoning at 501 E. Butler Road- This is a five-acre tract next to City Park. The request is for a zoning change from C1 to RM for townhomes. The Planning

Commission held a meeting to discuss this in November and this was recommended 5-0. Neighbors are happy this will be developed as residential. Chairman Black asked if David knows how many units may be developed. 48 units will be the maximum.

Chairman Black asked if this would be developed so it wouldn't be affected by the Butler Road improvements. David said he has been telling everyone who is developing on East Butler Road to be mindful of the DOT plans.

Councilwoman King made a motion to send this item to council with a recommendation of approval on first reading. Chairman Black seconded the motion and the vote was unanimous (2-0). Councilwoman King asked about the price point. The price range is not known as of yet. David said the average for townhomes right now is about $185,000.

b. Amendment to Sec. 8-62, Compliance with Laws- Our codes mentions the Greenville County Planning Commission in this section. This has been cleaned up to take out the reference to Greenville County Planning. The City does its own planning and has since 2007.

   Councilwoman King made a motion to send this to Council for first reading. Chairman Black seconded the motion. The vote was unanimous (2-0).

c. Planning Commission vacancy- This is for information only. The vacancy will be advertised.

7. Public Comment- None

8. Committee Concerns

Councilwoman King asked about complimentary zoning and wants to make sure it doesn't fall by the wayside. She would also like to see the landscaping kept up on 276, rights of way, and City property. David said he is waiting to see some plans for City Center and would like to draft a zoning plan to build off of those. Councilwoman King said the landscaping maintenance could be better.

9. Adjourn- Chairman Black adjourned the meeting.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

BUILDING CODES COMMITTEE
AGENDA ITEM

MEETING DATE: January 7, 2020

AGENDA ITEM: 5a

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Vacancy on Planning Commission

Ms. Elizabeth Wiygul, currently serving on the Mauldin Planning Commission, has recently indicated that unfortunately her schedule has become too busy for her to continue to meet her obligations on the Planning Commission. Therefore, she is stepping down from her seat on the Planning Commission effective immediately. The City has a need to fill the remainder of her appointment which expires at the end of June 2020.

During the month of December, the City of Mauldin advertised on its website and on social media that it is currently accepting applications for volunteers to serve on the Planning Commission. Staff received two applications: Scott Crosby and Randy Eskridge.

Mr. Crosby just recently served on City Council and Mr. Eskridge is currently a member of the Mauldin Zoning Board of Appeals. If Mr. Eskridge is selected to serve on the Planning Commission, his seat on the Board of Appeals will subsequently need to be filled.

Staff recommends that this matter be forwarded to City Council for consideration.

Mauldin
SOUTH CAROLINA

Application for Appointment
City of Mauldin Boards and Commissions

The following information will be used by the City Council Appointments Committee in its consideration of appointments. The information will become part of resource files for potential appointments.

Members appointed by the City are requested to serve until the expiration of his/her respective term, but may resign upon written notice to the City. Likewise, the City may choose to end a Member's service prior to the end of the term and may do so for any reason whatsoever upon written notice to such member.

Members are reminded that they represent the City and are expected to conduct themselves according.

FULL NAME SCOTT CROSBY DATE OF BIRTH 29 MAY 52

HOME ADDRESS 209 SHADECREST DRIVE # OF YEARS 19

CITY, ST, ZIP MAULDIN, SC 29662

HOME PHONE (864-675-0942 BUSINESS PHONE ( )

MOBILE PHONE (864-373-3315 EMAIL SCROSB452@CHARTER.NET

OCCUPATION RETIRED COMPANY —

Position applying for: **Example-** Planning Commission, Building and Zoning Board of Appeals, etc.
(List multiple if interested in more than one and "★" your top choice)

PLANNING COMMISSION★, ZONING BOARD

1. **Why do you wish to serve the City of Mauldin on a board or commission?**

SUPPORT DEVELOPMENT OF THE CITY

2. **What special contributions do you hope to make?**

PERSPECTIVE BASED ON PRIOR EXPERIENCE

3. **What training/qualifications do you have for this particular board or commission?**

EIGHT YEARS ON CITY COUNCIL

4. **Are you currently a member, or have you previously served on a city board or commission? If so, which one(s), and when did you serve?**

NO

5. **Please list any volunteer experience you have had which may benefit the city. Please also list any service or civic organization of which you have been a member:**

AREA OF EXPERTISE

Please indicate the area(s) of expertise that you can bring to the above board(s), and then, in detail, list education, experience, reasons for your interest, and other factors that support you interest in serving (use additional sheets if necessary.)

Legal [X] **Technical** [X] **Fundraising** [X] **Public Speaking** [X] **Business Management** [X] **Other** [ ]

Please explain: EXPERIENCES OF TIME ON CITY COUNCIL

I hereby declare that I am willing to devote the time necessary to carry out the responsibilities and requirements of service to the City of Mauldin. If appointed I am eligible to serve a maximum of two (2) terms and I understand that this application may be on file for up two (2) years. I also understand that I will need to resubmit a new application should I wish to be reappointed to my seat. **Information on this form will be considered public information.**

Signature

30 JANUARY 2019
Date

Please submit completed application to:

City of Mauldin, Administration
Attn: Cindy Miller
PO Box 249
Mauldin, SC 29662
cmiller@mauldincitysc.com

or

City of Mauldin, Business & Development Services
Attn: David Dyrhaug
5 East Butler Road
Mauldin, SC 29662
ddyrhaug@mauldincitysc.com

FOR OFFICE USE ONLY

Received Date:	Appointed to:	Term Dates:	Recommended by:

ATTENDENCE RECORDS: Excellent ☐ Good ☐ Fair ☐ Poor ☐

Mauldin
SOUTH CAROLINA

Application for Appointment

City of Mauldin Boards and Commissions

The following information will be used by the City Council Appointments Committee in its consideration of appointments. The information will become part of resource files for potential appointments.

Members appointed by the City are requested to serve until the expiration of his/her respective term, but may resign upon written notice to the City. Likewise, the City may choose to end a Member's service prior to the end of the term and may do so for any reason whatsoever upon written notice to such member.

Members are reminded that they represent the City and are expected to conduct themselves according.

FULL NAME ERNEST R (RANDY) ESKRIDGE JR. **DATE OF BIRTH** 8-4-49

HOME ADDRESS 211 SPRINGVALE DRIVE **# OF YEARS** 38

CITY, ST, ZIP MAULDIN, S.C. 29662

HOME PHONE (864) 288-0525 **BUSINESS PHONE** ( )

MOBILE PHONE 864 420-5538 **EMAIL** RANDYESKRIDGE@CHARTER.NET

OCCUPATION SALES **COMPANY** RAINMAKER SALES ASSOCIATES

Position applying for: **Example-** Planning Commission, Building and Zoning Board of Appeals, etc.
(List multiple if interested in more than one and "★" your top choice)

* PLANNING COMMISSION (OR) ZONING BOARD

1. **Why do you wish to serve the City of Mauldin on a board or commission?**

To make SURE (MAULDIN) WE CONTINUE TO MOVE FORWARD while protecting OUR Citizens.

2. **What special contributions do you hope to make?**

GOOD DECISIONS FOR the POSITIVE GROWTH AND BEST INTEREST OF MAULDIN CITIZENS

3. **What training/qualifications do you have for this particular board or commission?**

BUSINESS EXPERIENCE AS WELL AS SERVING ON both the PLANNING COMMISSION AND ZONING BOARD

4. **Are you currently a member, or have you previously served on a city board or commission? If so, which one(s), and when did you serve?**

I am currently on the Zoning Board and have served previously on the Planning Commission

5. **Please list any volunteer experience you have had which may benefit the city. Please also list any service or civic organization of which you have been a member:**

AREA OF EXPERTISE

Please indicate the area(s) of expertise that you can bring to the above board(s), and then, in detail, list education, experience, reasons for your interest, and other factors that support you interest in serving (use additional sheets if necessary.)

Legal ☐ Technical ☐ Fundraising ☐ Public Speaking ☐ Business Management ☑ Other ☐

Please explain:
College Graduate, Gardner-Webb University Class of 1971. Thirty plus years of Purchasing and Sales experience. My interest is in making Mauldin the best Place to live and work and I believe my experience will add much value to either board.

I hereby declare that I am willing to devote the time necessary to carry out the responsibilities and requirements of service to the City of Mauldin. If appointed I am eligible to serve a maximum of two (2) terms and I understand that this application may be on file for up two (2) years. I also understand that I will need to resubmit a new application should I wish to be reappointed to my seat. **Information on this form will be considered public information.**

Emmett (Randy) Eskew — 4-22-19

Signature — Date

Please submit completed application to:

City of Mauldin, Administration
Attn: Cindy Miller
PO Box 249
Mauldin, SC 29662
cmiller@mauldincitysc.com

or

City of Mauldin, Business & Development Services
Attn: David Dyrhaug
5 East Butler Road
Mauldin, SC 29662
ddyrhaug@mauldincitysc.com

FOR OFFICE USE ONLY

Received Date:	Appointed to:	Term Dates:	Recommended by:

ATTENDENCE RECORDS: Excellent ☐ Good ☐ Fair ☐ Poor ☐

BUILDING CODES COMMITTEE
AGENDA ITEM

MEETING DATE: January 7, 2020

AGENDA ITEM: 6a

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Annexation of Properties at Loblolly Circle and Laurel Drive

AUTHORIZED REP(S):	Davis & Floyd, Inc.		
OWNER(S):	**Kimberly Rogers**	**River of Life Romanian Church**	**Juan Martin & Beatriz Rivera**
TAX MAP NUMBER(S):	M012.04-01-013.01	M012.04-01-018.04	M012.04-01.018.05
LOCATION:	1307 Loblolly Cir	405 Laurel Dr	403 Laurel Dr
CURRENT ZONING:	R-7.5 (County)	R-MA (County)	R-MA (County)
REQUESTED ZONING:	R-M, Residential	R-M, Residential	R-M, Residential
SIZE OF PROPERTY:	Approx. 6.1 acres	Approx. 5.0 acres	Approx. 2.9 acres
		TOTAL: Approx. 14 acres	
CONTIGUITY:	This tract is directly contiguous to Phases 1 and 3 of the Parkland group development which was annexed into the City of Mauldin on September 17, 2018.		

REQUEST

The City of Mauldin has received signed petitions requesting the annexation of a tract of land consisting of three parcels pursuant to South Carolina Code of Laws Section 5-3-150. These petitions includes approximately 14 acres owned by various individuals and is located at Loblolly Circle and at Laurel Drive.

The applicant has requested that this tract be zoned R-M, Residential, upon annexation into the City of Mauldin. The applicant has already begun development of a townhome project called Parkland. These tracts will be added to the Parkland development project. Parkland is already planned for approximately 121 homes in phase 1, approximately 82 homes in phase 2, and approximately 42 homes in phase 3. This annexation would enable the applicant to expand phase 1 by approximately 41 homes and phase 3 by approximately 54 homes. The price-point for homes is expected to average over $200,000 (low- to mid-$200s).

UTILITIES AND SERVICES

All utilities are available including water and sewer. ReWa has a main line that runs through the applicant's tract of land. The City of Mauldin anticipates owning and maintaining new sewer lines constructed as part of any development project on these tracts. Approvals for sewer will be required before any proposed development is approved.

This tract is currently located in in the Mauldin Fire Service Area. This tract will continue to be served by the Mauldin Fire Department.

PLANNING AND ZONING

About the R-M District

The R-M zoning designation provides for medium- to high-density residential housing types including multi-family housing, attached single-family homes and detached single-family homes. Other permitted uses include recreational, religious, and educational facilities.

> R-M Zoning allows a minimum 5,000-square foot lot for single-family homes or a density of 16 units per acre for multi-family developments †
>
> † Cluster development standards permit a density up to 14.5 units per acre in exchange for the provision of open space amounting to 15%.

Surrounding Development/Zoning

These properties are surrounded by the following zoning and land uses:

Direction	Zoning District(s)	Existing Use(s)
North	R-7.5 (County) / R-MA (County)	Rural residential / Marion Abercrombie Estates
South	R-M (City)	Parkland development project
East	R-MA (County) / R-S (County)	Laurel View subdivision
West	R-9 (Greenville City)	Ridge Park subdivision

Property Values

The homes in this project are projected to sell at an average of more than $200,000. This range will be above the average price of home sales in adjacent communities over the last couple of years. See below.

Community	2018		2019	
	No. of Sales	Avg. Price	No. of Sales	Avg. Price
Laurel View	2	$133,450	0	N/A
Marion Abercrombie Estates	0	N/A	1	$90,000
Ridge Park	Eastwood Homes community that will start in the $220s			

Comprehensive Plan Analysis

The Future Land Use Map for this tract calls for residential multifamily which could include apartments, condominiums, and duplexes. The R-M district directly supports and is entirely consistent with this designation in the Comprehensive Plan.

TIMELINE

On December 12, 2019, staff received the signed petitions for the annexation of these tracts.

FISCAL IMPACT

Based on the information available, staff projects that the Parkland development project, inclusive of this annexation, will have a positive fiscal benefit to the City (projected revenue of $321,006 compared to a project cost of $317,986). This analysis is based on the following factors:

- Number of Homes: 340
- Average price-point: $230,000
- New streets: Privately owned and maintained
- New sewer: Owned and maintained by the City of Mauldin

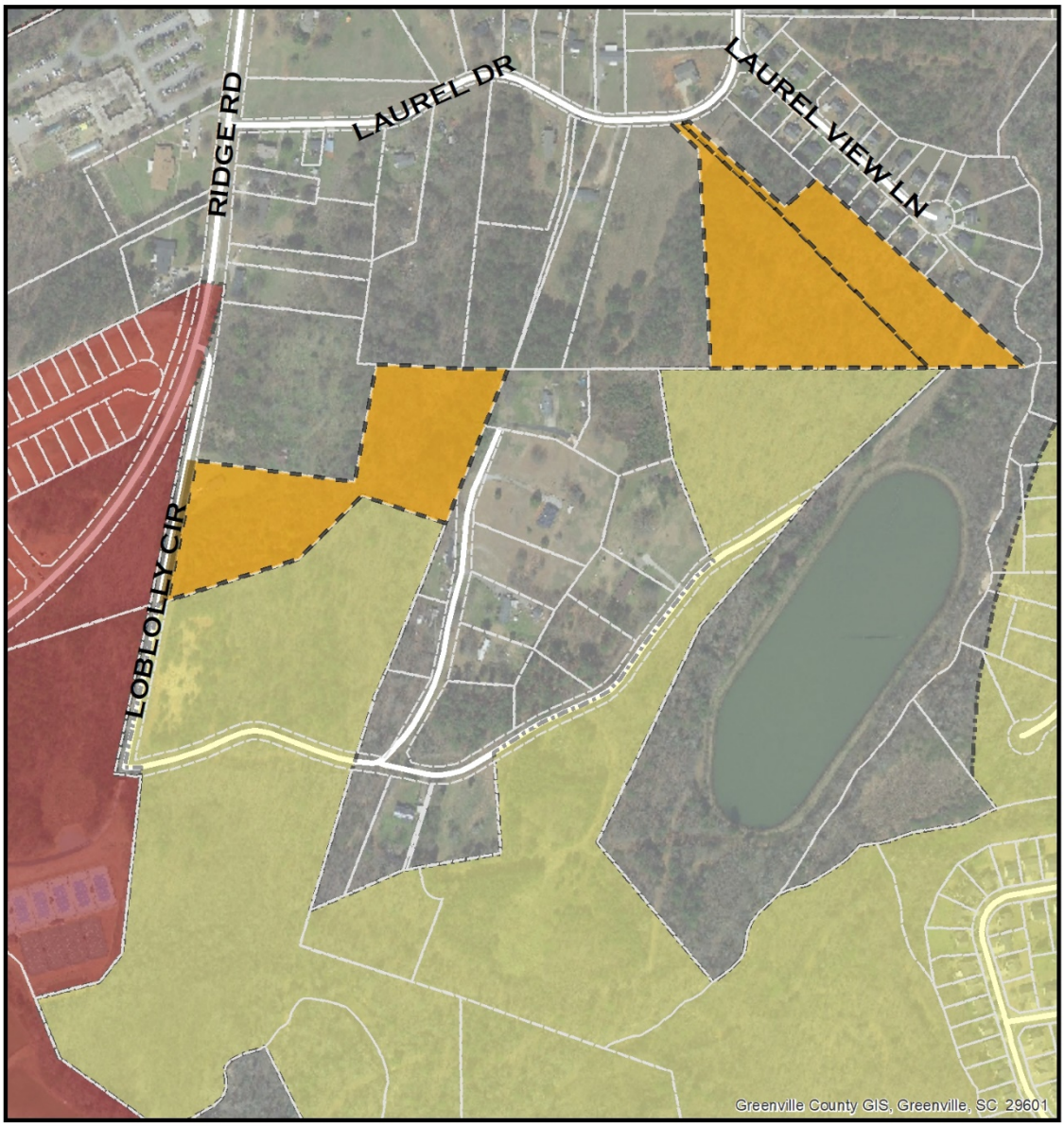
RECOMMENDATION

Forward this matter to City Council for consideration.

ATTACHMENTS

Annexation Ordinance (maps and petitions attached therein)

LOBLOLLY CIR & LAUREL DR ANNEXATION MAP



Legend

- Other City Boundary
- Mauldin City Boundary

Annexation

- Subject Property
- Right-of-Way

N

Feet
0 400

Created on December 30, 2019

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

ORDINANCE _____-2019

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY KIMBERLY ROGERS, AND LOCATED AT 1307 LOBLOLLY CIRCLE (TAX MAP PARCEL: M012.04-01-013.01) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-M, RESIDENTIAL, FOR SAID PROPERTY

WHEREAS, Kimberly Rogers, is the sole owner of record title of a parcel of real property containing 6.1 acres, more or less, located at 1307 Loblolly Circle, which property is contiguous to the City of Mauldin and is more particularly illustrated in Exhibit 1 attached hereto; and,

WHEREAS, an Annexation Petition, attached hereto as Exhibit 2, has been filed with the City of Mauldin by Kimberly Rogers, requesting that the aforementioned property be annexed into the City of Mauldin; and,

WHEREAS, the property to be annexed is contiguous to the City of Mauldin, and is more particularly depicted in Exhibit 1 attached hereto; and,

WHEREAS, Kimberly Rogers, constitutes one hundred (100%) percent of freeholders owning one hundred (100%) of the real property depicted in Exhibit 1 attached hereto; and,

WHEREAS, the proposed zoning of R-M, Residential, is appropriate for this tract at this location; and,

WHEREAS, the Mayor and Council conclude that the annexation is in the best interest of the property owner and the City;

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Mauldin that:

1. ANNEXATION: The real property owned by Kimberly Rogers, and more particularly depicted in the map attached hereto marked as Exhibit 1, is hereby annexed into the corporate city limits of the City of Mauldin effective immediately upon second reading of this ordinance.

2. ANNEXATION OF A PORTION OF ADJACENT RIGHTS-OF-WAY: All of that portion of Loblolly Circle along the edge of and adjoined to the annexed property shown on the attached Exhibit to the centerline of the afore-mentioned rights-of-way is also hereby annexed into the corporate limits of the City of Mauldin effective immediately upon second reading of this ordinance.

3. ZONING ASSIGNMENT: The above referenced property is hereby zoned R-M, Residential, as depicted in Exhibit C of the attached Petition contained in Exhibit 2.

_____
Terry Merritt, Mayor

ATTEST:

_____
Cindy Miller, Municipal Clerk

First Reading: _____

Second Reading: _____

Approved as to Form:

_____
City Attorney

EXHIBIT 1 – ANNEXATION MAP

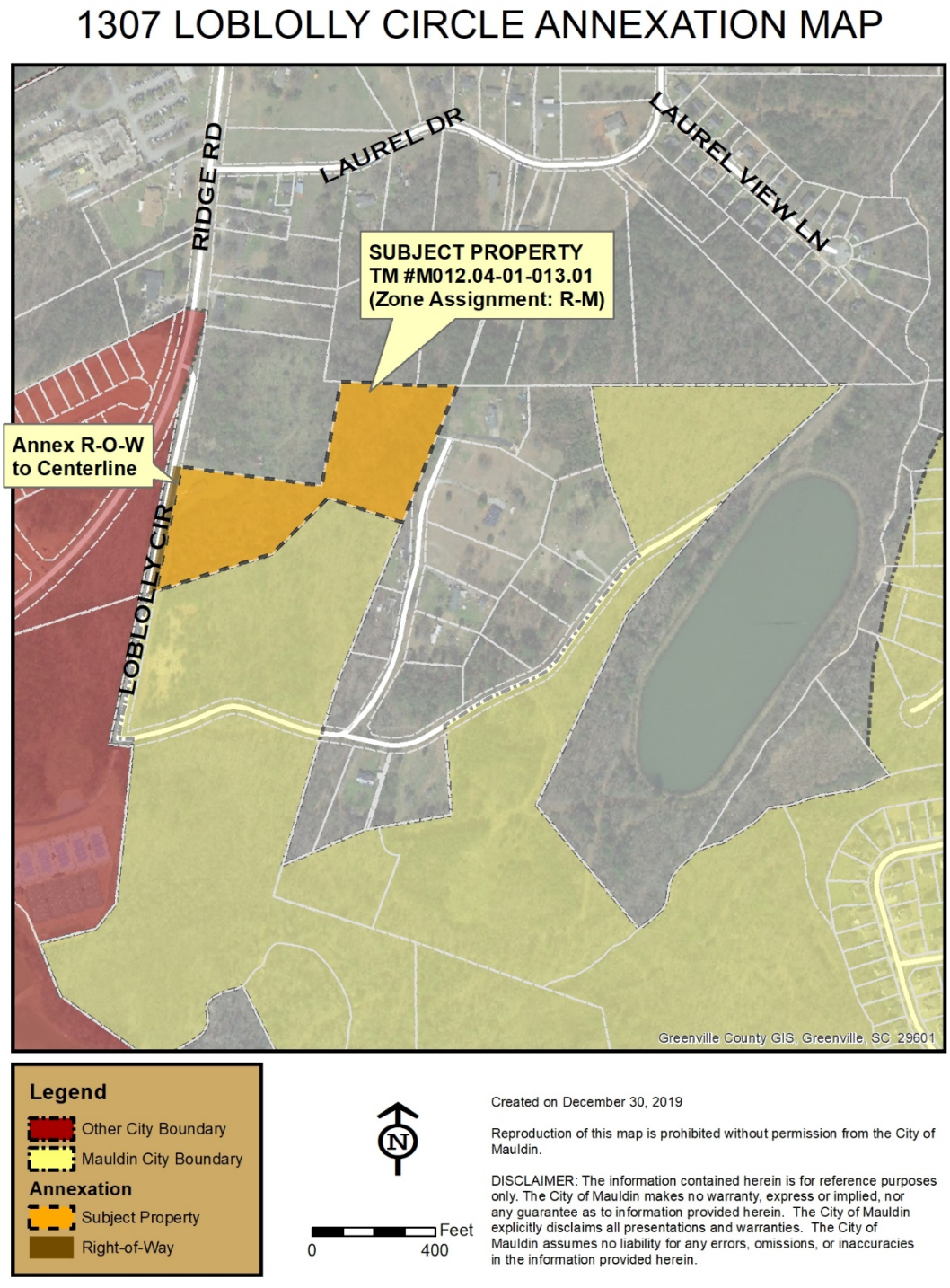


EXHIBIT 2 – PETITION

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED BY KIMBERLY ROGERS, AND LOCATED AT 1307 LOBLOLLY CIRCLE INTO THE CITY OF MAULDIN BY ONE HUNDRED PERCENT (100%) METHOD

Petitioner, Kimberly L. Rogers, is the sole owner [freeholder owning one hundred (100%) percent of the assessed value of real property in the area proposed to be annexed] of a parcel of real property in Greenville County containing approximately 6.1 acres, more particularly described in the property description attached hereto marked as Exhibit A, and the Property Map attached hereto marked as Exhibit B.

Petitioner hereby petitions to annex their property, which is contiguous to the City of Mauldin, into the corporate limits of the City of Mauldin. Petitioner also hereby petitions to assign their property the zoning classification of R-M, Residential, as depicted in Exhibit C attached hereto, on the Official Zoning Map of the City of Mauldin.

This Petition is submitted to the City of Mauldin pursuant to the provisions of S.C. Code §5-3-150(3) authorizing the City Council to annex an area by the one hundred percent (100%) method.

This Petition is dated this 12th day of December, 2020 before the first signature below is attached.

The Petitioner requests that the entire tract described above and shown on the attached Exhibit B be annexed in its entirety into the corporate city limits of the City of Mauldin and assign the tracts the zoning classification of R-M, Residential, as depicted in Exhibit C attached hereto.

12-12-, 2019
Date

Kimberly L. Rogers
Kimberly L. Rogers

Witness

Witness

EXHIBIT A

PROPERTY DESCRIPTION

As recorded in the Title to Real Estate
contained in Deed Book 2370 Page 2425
of the Greenville County Register of Deeds

ALL that certain piece, parcel or lot of land lying and being in the State of South Carolina, County of Greenville, being shown and designated as 6.10 acres, more or less, on a plat entitled "Closing Survey for Kim Rogers," prepared by Gary B. Burgess, PE, PLS, dated March 21, 1999, and recorded in the ROD Office for Greenville County, South Carolina, in Plat Book 39-Y, Page 38, reference being made to said plat for a metes and bounds description thereof.

DERIVATION: This being the same property conveyed to Kimberly L. Rogers and Virginia W. Beeks by deed of Virginia W. Beeks as recorded in the ROD Office for Greenville County, South Carolina, in Deed Book 1834, Page 801, on April 30, 1999.

TAX MAP #M012.04-01-013.01

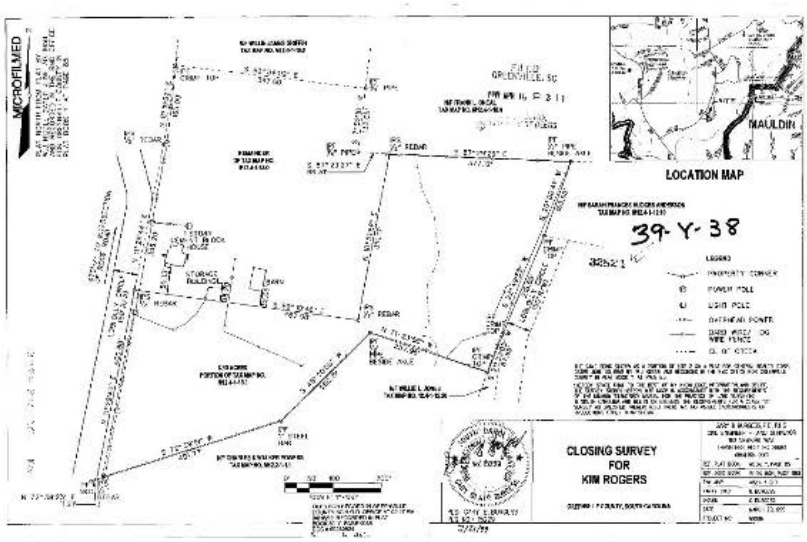
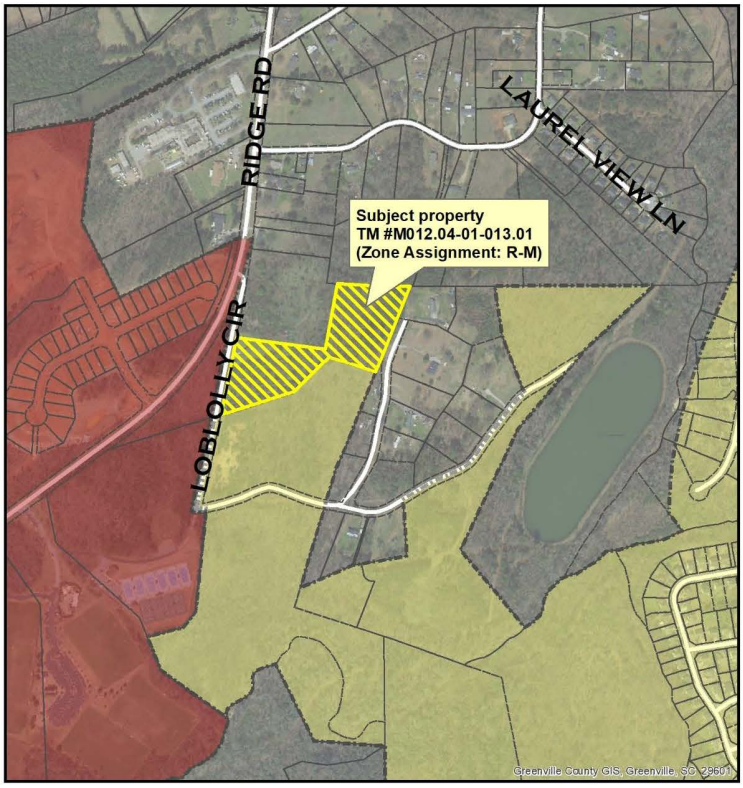


EXHIBIT B

PROPERTY MAP



Legend

- Subject Property
- Other City Boundary
- Mauldin City Boundary

0 500 Feet

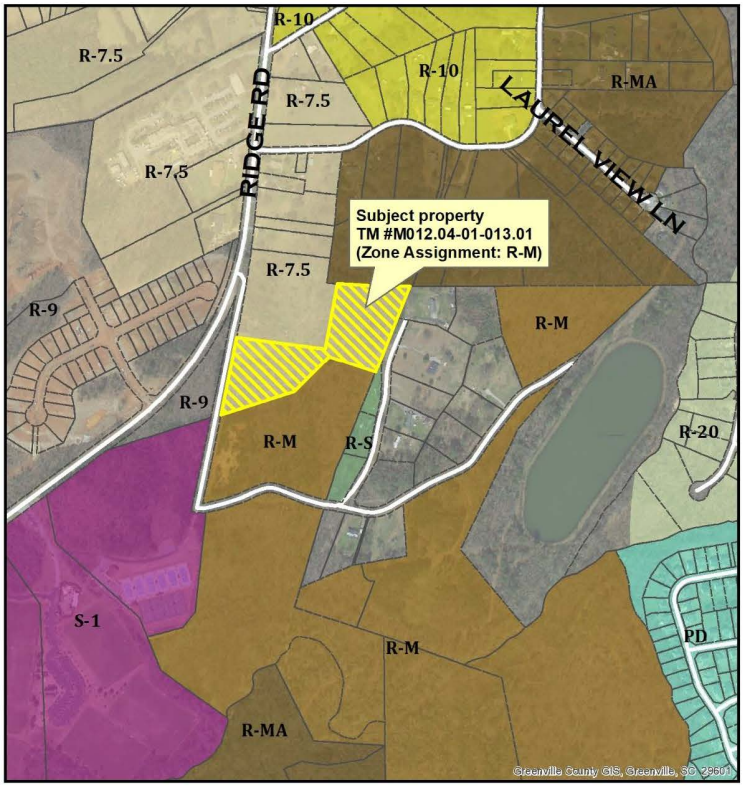
Created on December 6, 2019

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

EXHIBIT C

ZONING MAP



Legend
Subject Property

N

0 Feet 500

Created on December 6, 2019

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

ORDINANCE _____-2019

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY THE RIVER OF LIFE ROMANIAN CHURCH, AND LOCATED AT 405 LAUREL DRIVE (TAX MAP PARCEL: M012.04-01-018.04) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-M, RESIDENTIAL, FOR SAID PROPERTY

WHEREAS, the River of Life Romanian Church is the sole owner of record title of a parcel of real property containing 5 acres, more or less, located at 405 Laurel Drive, which property is contiguous to the City of Mauldin and is more particularly illustrated in Exhibit 1 attached hereto; and,

WHEREAS, an Annexation Petition, attached hereto as Exhibit 2, has been filed with the City of Mauldin by the River of Life Romanian Church, requesting that the aforementioned property be annexed into the City of Mauldin; and,

WHEREAS, the property to be annexed is contiguous to the City of Mauldin, and is more particularly depicted in Exhibit 1 attached hereto; and,

WHEREAS, the River of Life Romanian Church constitutes one hundred (100%) percent of freeholders owning one hundred (100%) of the real property depicted in Exhibit 1 attached hereto; and,

WHEREAS, the proposed zoning of R-M, Residential, is appropriate for this tract at this location; and,

WHEREAS, the Mayor and Council conclude that the annexation is in the best interest of the property owner and the City;

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Mauldin that:

1. ANNEXATION: The real property owned by the River of Life Romanian Church, and more particularly depicted in the map attached hereto marked as Exhibit 1, is hereby annexed into the corporate city limits of the City of Mauldin effective immediately upon second reading of this ordinance.

2. ANNEXATION OF A PORTION OF ADJACENT RIGHTS-OF-WAY: All of that portion of Laurel Drive along the edge of and adjoined to the annexed property shown on the attached Exhibit to the centerline of the afore-mentioned rights-of-way is also hereby annexed into the corporate limits of the City of Mauldin effective immediately upon second reading of this ordinance.

3. ZONING ASSIGNMENT: The above referenced property is hereby zoned R-M, Residential, as depicted in Exhibit C of the attached Petition contained in Exhibit 2.

_____
Terry Merritt, Mayor

ATTEST:

_____
Cindy Miller, Municipal Clerk

First Reading: _____

Second Reading: _____

Approved as to Form:

_____
City Attorney

EXHIBIT 1 – ANNEXATION MAP

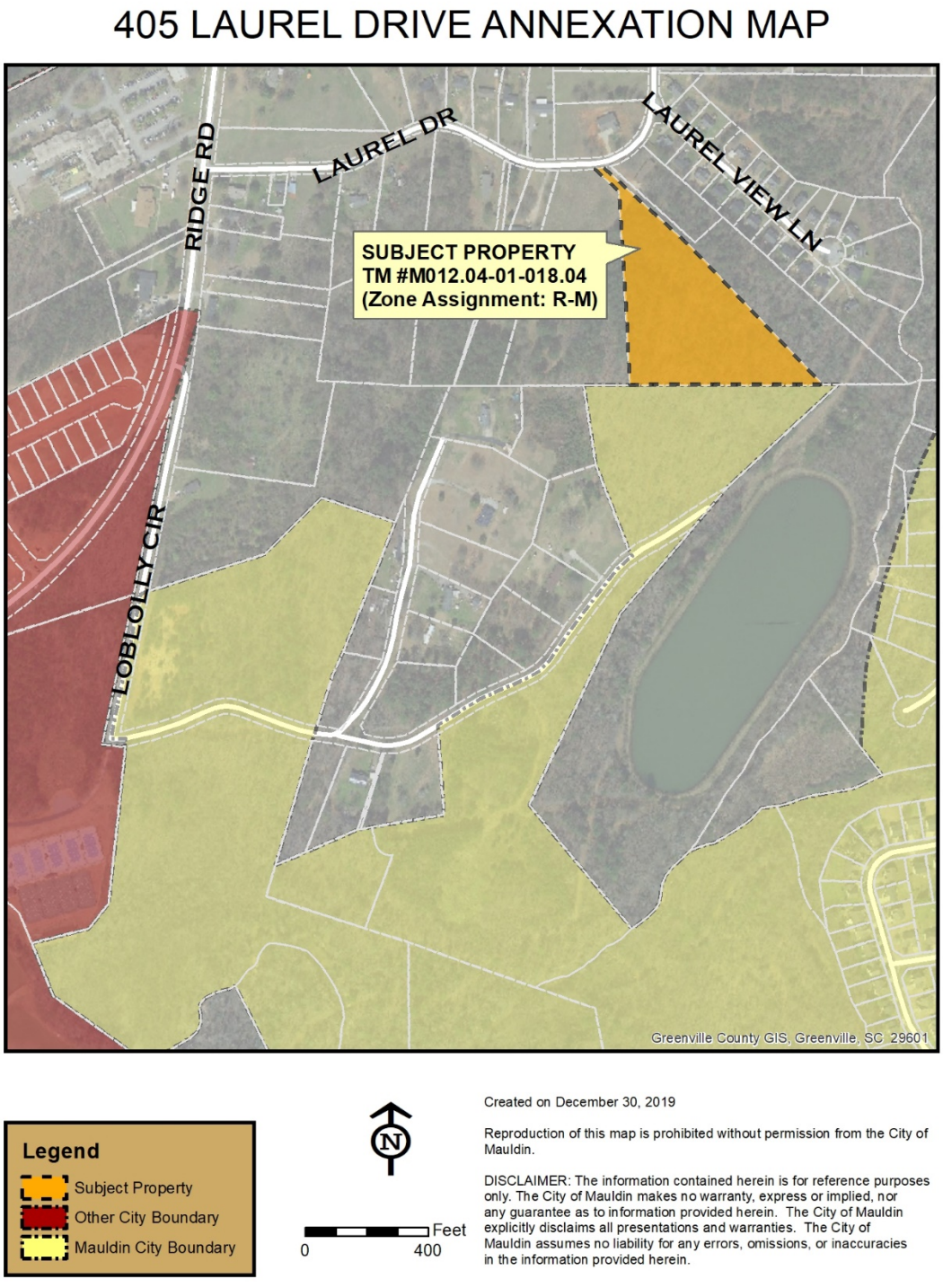


EXHIBIT 2 – PETITION

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED BY RIVER OF LIFE ROMANIAN CHURCH, AND LOCATED AT 405 LAUREL DRIVE INTO THE CITY OF MAULDIN BY ONE HUNDRED PERCENT (100%) METHOD

Petitioner, River of Life Romanian Church, is the sole owner [freeholder owning one hundred (100%) percent of the assessed value of real property in the area proposed to be annexed] of a parcel of real property in Greenville County containing approximately 5 acres, more particularly described in the property description attached hereto marked as Exhibit A, and the Property Map attached hereto marked as Exhibit B.

Petitioner hereby petitions to annex their property, which is contiguous to the City of Mauldin, into the corporate limits of the City of Mauldin. Petitioner also hereby petitions to assign their property the zoning classification of R-M, Residential, as depicted in Exhibit C attached hereto, on the Official Zoning Map of the City of Mauldin.

This Petition is submitted to the City of Mauldin pursuant to the provisions of S.C. Code §5-3-150(3) authorizing the City Council to annex an area by the one hundred percent (100%) method.

This Petition is dated this 11th day of December, 2019, before the first signature below is attached.

The Petitioner requests that the entire tract described above and shown on the attached Exhibit B be annexed in its entirety into the corporate city limits of the City of Mauldin and assign the tracts the zoning classification of R-M, Residential, as depicted in Exhibit C attached hereto.

December 11, 2019
Date

RIVER OF LIFE ROMANIAN CHURCH

The undersigned represents that he/she has authority to bind this entity to this petition, and no other signatures are needed.

By: Gabriel Peter

Name: GABRIEL PETER

Title: Pastor

Witness

Witness

EXHIBIT A

PROPERTY DESCRIPTION

As recorded in the Title to Real Estate
contained in Deed Book 2546 Page 5253
of the Greenville County Register of Deeds

All that certain piece, parcel or lot of land situate, lying and being in the State of South Carolina, County of Greenville, being shown and designated as 4, containing 5.0 Acres, more or less on a plat entitled, "Summary Plat Frank L. Oneal Estate," dated June 14, 2004, prepared by T. H. Walker, Jr. Surveying, and recorded December 3, 2004 in the ROD Office for Greenville County in Plat Book 49-D, Page 59. Reference to said plat is hereby made for a more complete description thereof.

This being the same property conveyed to Paragon Real Estate Enterprises, LLC by Tax Deed, dated December 27, 2007 and recorded December 27, 2007 in the ROD Office for Greenville County in Deed Book 2306, Page 1338. A Corrective Tax Deed to Paragon Real Estate Enterprises, LLC, dated February 12, 2013, recorded February 12, 2013 in the ROD Office for Greenville County in Deed Book 2419, Page 1775. (See Order Quieting Title recorded in Greenville County Clerk of Court Case # 2009-CP-23-01882)

TAX MAP #M012.04-01-018.04

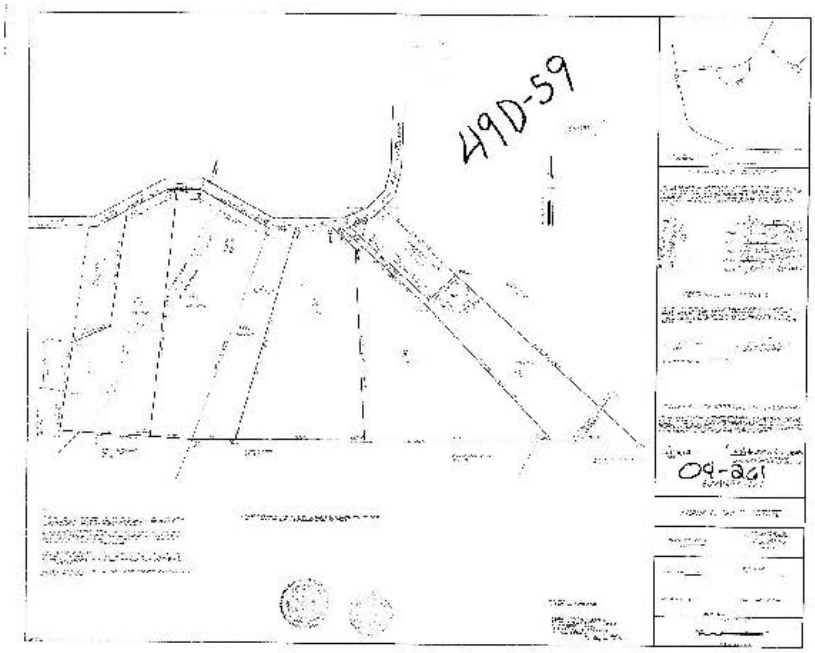
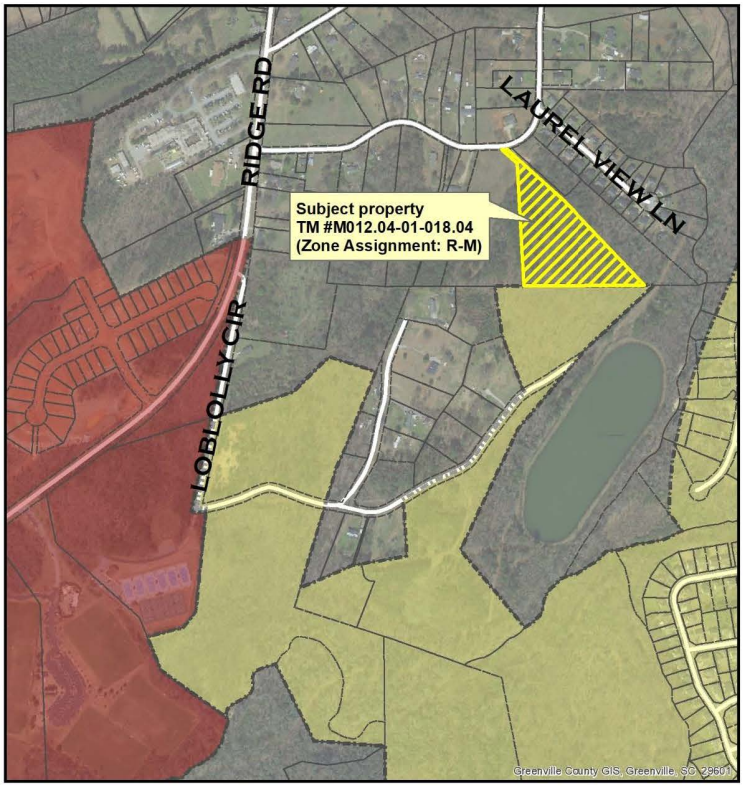


EXHIBIT B

PROPERTY MAP



Legend

- Subject Property
- Other City Boundary
- Mauldin City Boundary

0 500 Feet

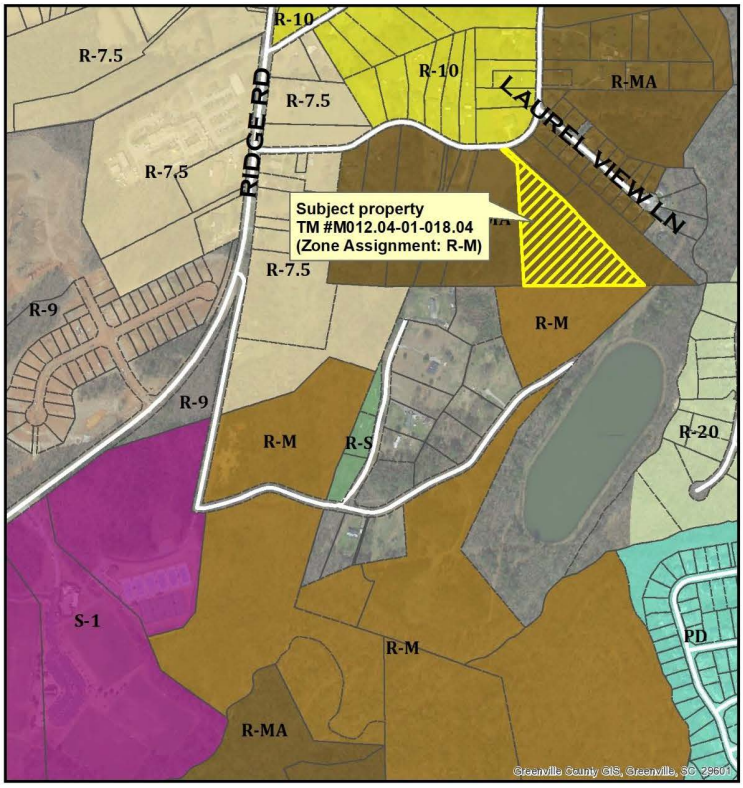
Created on December 6, 2019

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

EXHIBIT C

ZONING MAP



Legend
Subject Property

N

0 Feet 500

Created on December 6, 2019

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

ORDINANCE _____-2019

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY JUAN MARTIN AND BEATRIZ RIVERA, AND LOCATED AT 403 LAUREL DRIVE (TAX MAP PARCEL: M012.04-01-018.05) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-M, RESIDENTIAL, FOR SAID PROPERTY

WHEREAS, Juan Martin and Beatriz Rivera are the sole owners of record title of a parcel of real property containing 2.9 acres, more or less, located at 403 Laurel Drive, which property is contiguous to the City of Mauldin and is more particularly illustrated in Exhibit 1 attached hereto; and,

WHEREAS, an Annexation Petition, attached hereto as Exhibit 2, has been filed with the City of Mauldin by Juan Martin and Beatriz Rivera, requesting that the aforementioned property be annexed into the City of Mauldin; and,

WHEREAS, the property to be annexed is contiguous to the City of Mauldin, and is more particularly depicted in Exhibit 1 attached hereto; and,

WHEREAS, Juan Martin and Beatriz Rivera constitute one hundred (100%) percent of freeholders owning one hundred (100%) of the real property depicted in Exhibit 1 attached hereto; and,

WHEREAS, the proposed zoning of R-M, Residential, is appropriate for this tract at this location; and,

WHEREAS, the Mayor and Council conclude that the annexation is in the best interest of the property owner and the City;

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Mauldin that:

1. ANNEXATION: The real property owned by Juan Martin and Beatriz Rivera, and more particularly depicted in the map attached hereto marked as Exhibit 1, is hereby annexed into the corporate city limits of the City of Mauldin effective immediately upon second reading of this ordinance.

2. ANNEXATION OF A PORTION OF ADJACENT RIGHTS-OF-WAY: All of that portion of Laurel Drive along the edge of and adjoined to the annexed property shown on the attached Exhibit to the centerline of the afore-mentioned rights-of-way is also hereby annexed into the corporate limits of the City of Mauldin effective immediately upon second reading of this ordinance.

3. ZONING ASSIGNMENT: The above referenced property is hereby zoned R-M, Residential, as depicted in Exhibit C of the attached Petition contained in Exhibit 2.

_____
Terry Merritt, Mayor

ATTEST:

_____
Cindy Miller, Municipal Clerk

First Reading: _____

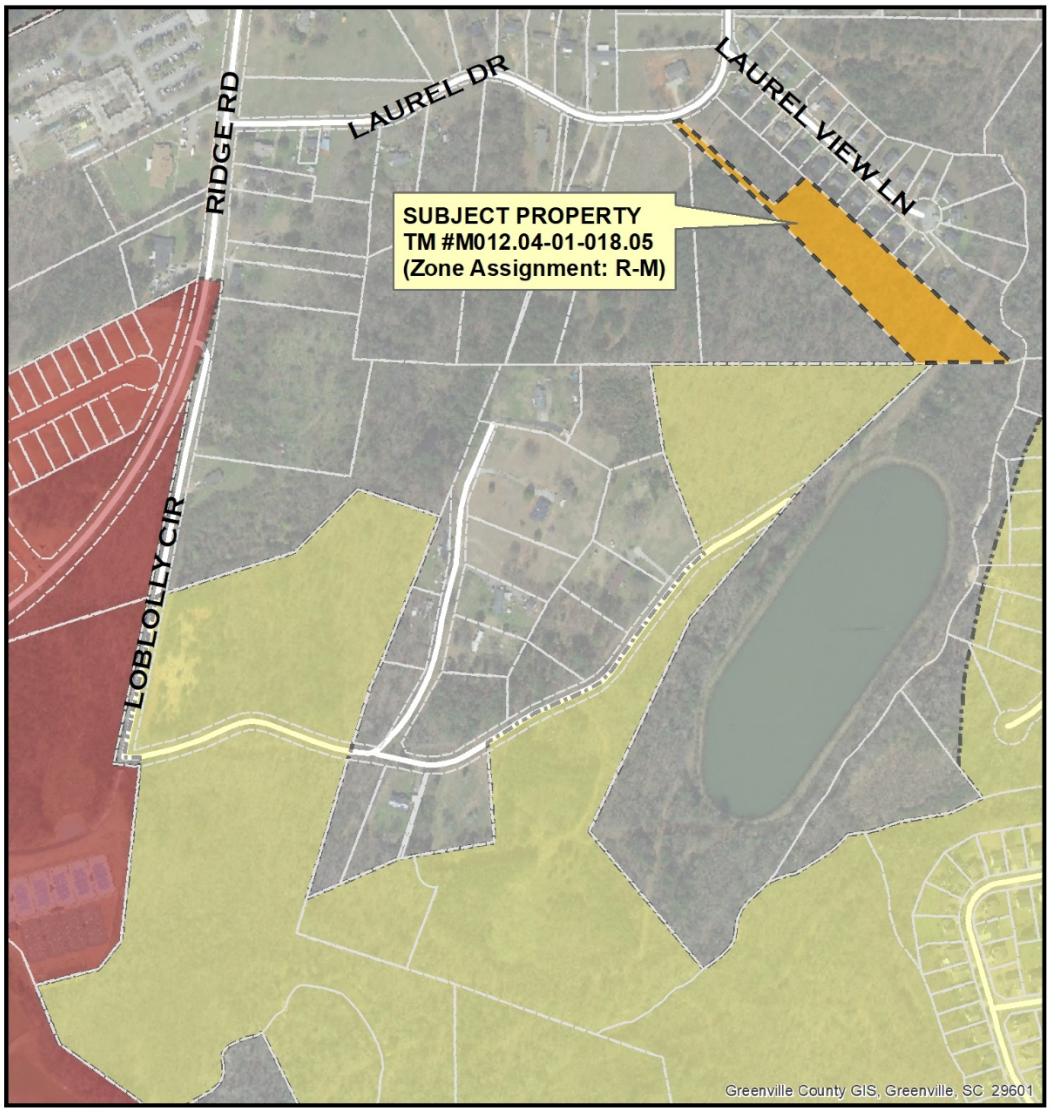
Second Reading: _____

Approved as to Form:

_____
City Attorney

EXHIBIT 1 – ANNEXATION MAP

403 LAUREL DRIVE ANNEXATION MAP



Legend

- Subject Property
- Other City Boundary
- Mauldin City Boundary

N

0 400 Feet

Created on December 30, 2019

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

EXHIBIT 2 – PETITION

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED BY JUAN MARTIN AND BEATRIZ RIVERA, AND LOCATED AT 403 LAUREL DRIVE INTO THE CITY OF MAULDIN BY ONE HUNDRED PERCENT (100%) METHOD

Petitioners, Juan Martin and Beatriz Rivera, are the sole owners [freeholder owning one hundred (100%) percent of the assessed value of real property in the area proposed to be annexed] of a parcel of real property in Greenville County containing approximately 2.94 acres, more particularly described in the property description attached hereto marked as Exhibit A, and the Property Map attached hereto marked as Exhibit B.

Petitioner hereby petitions to annex their property, which is contiguous to the City of Mauldin, into the corporate limits of the City of Mauldin. Petitioner also hereby petitions to assign their property the zoning classification of R-M, Residential, as depicted in Exhibit C attached hereto, on the Official Zoning Map of the City of Mauldin.

This Petition is submitted to the City of Mauldin pursuant to the provisions of S.C. Code §5-3-150(3) authorizing the City Council to annex an area by the one hundred percent (100%) method.

This Petition is dated this 12 day of December, 2019, before the first signature below is attached.

The Petitioner requests that the entire tract described above and shown on the attached Exhibit B be annexed in its entirety into the corporate city limits of the City of Mauldin and assign the tracts the zoning classification of R-M, Residential, as depicted in Exhibit C attached hereto.

December 12, 2019
Date

Juan Martin

Witness

Beatriz Rivera

Witness

EXHIBIT A

PROPERTY DESCRIPTION

As recorded in the Title to Real Estate
contained in Deed Book 2531 Page 5251
of the Greenville County Register of Deeds

ALL that certain piece, parcel or lot of land, together with improvements thereon, situate, lying and being in Greenville County, State of South Carolina, on the south side of Laurel Drive, being shown and designated as Lot 5, containing 2.94 acres, more or less, on a plat of FRANK L. ONEAL ESTATE, prepared by T.H. Walker, Jr., Surveying, dated June 14, 2004, recorded in the Register of Deeds Office for Greenville County, SC, in Plat Book 49-D at Page 59, reference being made hereto to said plat for the exact metes and bounds thereof.

TAX MAP #M012.04-01-018.05

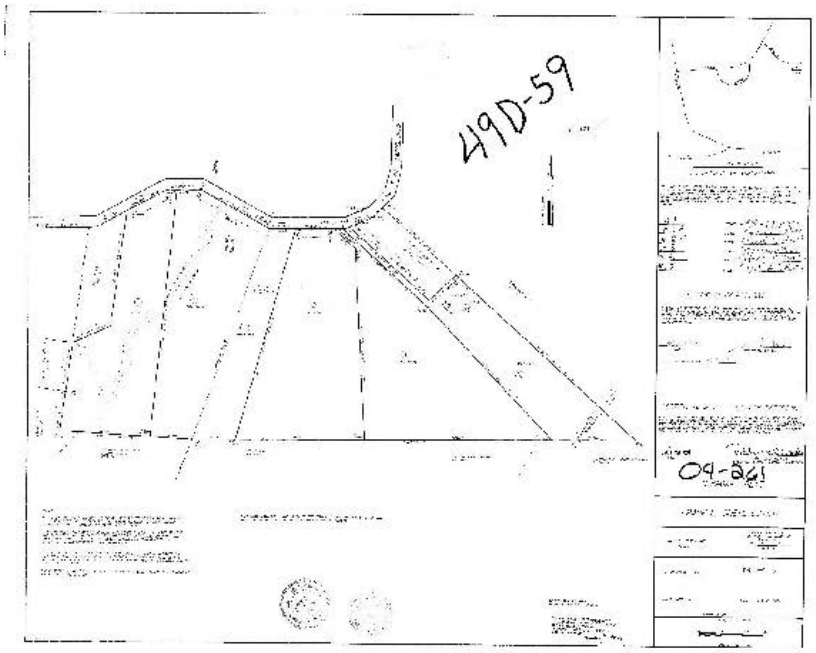
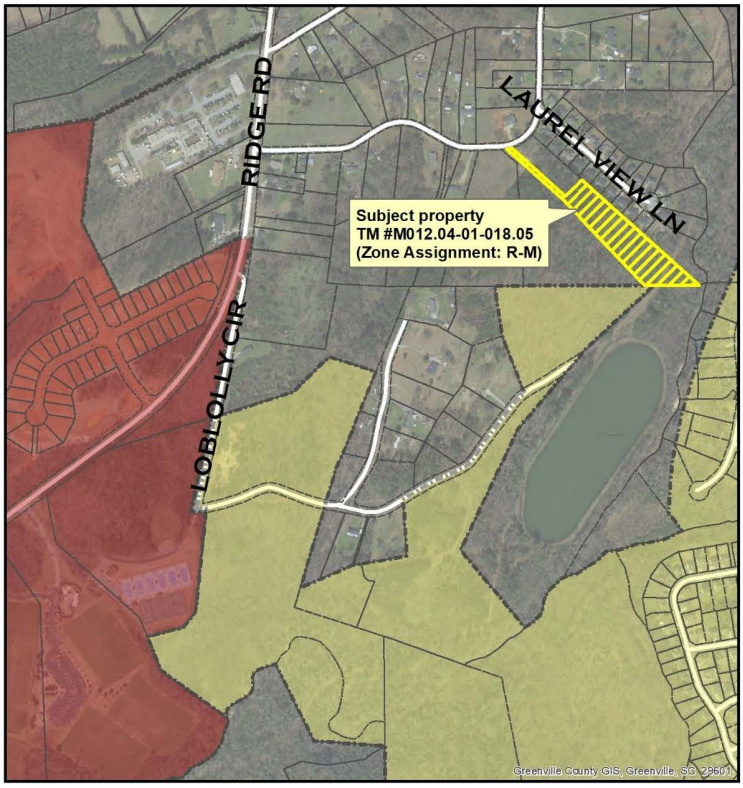


EXHIBIT B

PROPERTY MAP



Legend

- Subject Property
- Other City Boundary
- Mauldin City Boundary

N

0 Feet 500

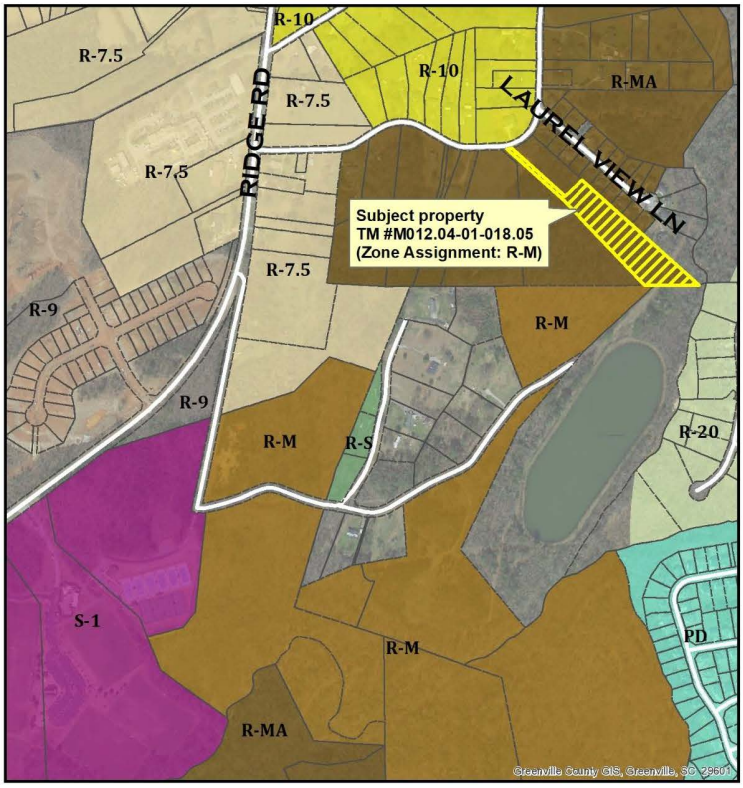
Created on December 6, 2019

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

EXHIBIT C

ZONING MAP



Legend
Subject Property

N

0 Feet 500

Created on December 6, 2019

Reproduction of this map is prohibited without permission from the City of Mauldin.

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

BUILDING CODES COMMITTEE
AGENDA ITEM

MEETING DATE: January 7, 2020

AGENDA ITEM: 6b

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Small Cell Wireless Facilities Ordinance

BACKGROUND

The next wave of communications technology consisting of 5G technology utilizes higher frequencies with the capability to accommodate significantly higher data needs than current 4G/LTE technologies. The physical limits of the higher frequencies require that the transmitters be installed with much closer spacing than the 2± miles or greater distances that 4G/LTE technologies accommodate. The result of this physical need is that the public rights-of-way represent a convenient location for the required equipment.

On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order, FCC 18133, titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" (the Order). The order outlines the extent to which local agencies may or may not regulate the installation of small cell wireless communication facilities within the public rights-of-way and the use of existing public infrastructure.

Municipal aesthetic requirements will not be preempted if they are: (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance.

NOTE: The Municipal Association of South Carolina (MASC) has provided a model ordinance for communities to consider. However, after thoroughly reviewing MASC's model ordinance, I do not feel it goes far enough to protect the right-of-way and regulate the design and placement of small cell wireless facilities. The attached draft ordinance differs considerably from MASC's model ordinance.

INTENT OF ORDINANCE

The intent of this ordinance is to accommodate the installation of small cell wireless facilities within the public rights-of-way within the City of Mauldin provided that installations are completed in a context-sensitive manner with regard to minimum standards for aesthetics, location, spacing, accommodation of multiple providers at each location, safety, noise, and equitable allocation of space.

Further, it is the intent of this ordinance to establish procedures and standards for the consideration, permitting, siting, construction, installation, collocation, modification, operation, regulation and removal of small cell wireless facilities in the public rights-of-way within the City of Mauldin. These procedures

and standards are intended to comply with, and not conflict with or preempt, all applicable state and federal laws, and all FCC rules and regulations to interpret and implement applicable federal statutes.

SUMMARY OF PROSPECTIVE AMMENDMENTS

There are several means by which new small cell wireless facilities may be installed. This ordinance permits four specific types of installations:

1. Attachments to existing utility poles
2. Attachments to existing wooden poles with streetlights
3. Attachments to streetlight poles or installation of new combination poles with streetlights
4. Installation of new monopole structure

To reduce the congestion and clutter in the public right-of-way, this ordinance indicates that the installation of new poles/structures is the least desirable installation method and would only be permitted when it has been clearly demonstrated that there is not an opportunity to install the antenna on an existing pole. This ordinance also prohibits the installation of antenna on existing decorative light poles.

When a new antenna is installed, it is required to be installed within a cylindrical shroud preferably located at the top of the pole in a manner that blends the shroud with the pole. See illustration on right. This ordinance contains standards for size, color, shape, and other considerations to help achieve this.

Additionally, this ordinance regulates the installation of support equipment so that the equipment has a low visual impact. Preferably, equipment should be installed inside the pole, within a cylindrical cabinet integrated into the base of the pole, in an existing above-ground cabinet, or in an underground equipment vault. Pole-mounted equipment should only be installed when the other installation options are not feasible or available. All hardware, service lines, wiring and cables are required to be concealed.

This ordinance does permit for the installation of antenna on City-owned poles. However, a separate agreement with this City is required for this type installation before the installation can be permitted.

When new poles or support structures are installed, there are standards in this ordinance that regulate where the pole can be installed in relation to property lines, storefronts, existing poles, sight triangles, intersections, driveways, sidewalks, trees, roadways, hydrants, etc.

ATTACHMENT

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH THE STANDARDS FOR THE PLACEMENT OF SMALL WIRELESS FACILITIES IN COVERED AREAS IN THE CITY OF MAULDIN, SOUTH CAROLINA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Mauldin ("City") encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Wireless Facilities while managing Public Rights-of-Way in a manner that promotes the interests of the public health, safety and welfare; and,

WHEREAS, the City recognizes that Small Wireless Facilities including facilities commonly referred to as small cell and distributed antenna systems are critical to delivering wireless access to advanced technology, broadband, and 9-1-1 services to residences, businesses, and schools within the City; and,

WHEREAS, the City recognizes that Small Wireless Facilities together with high capacity transport medium such as fiber optic cabling may be effectively deployed in Public Rights-of-Way; and,

WHEREAS, this Ordinance is intended to grant municipal consent to use of Rights-of-Way and establish a standard application process to streamline the issuance of necessary permits in a manner that is not a barrier to competition, and does not unnecessarily delay the implementation and installation of Small Wireless Facilities,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MAULDIN, SOUTH CAROLINA, that the Code of Ordinances City of Mauldin, South Carolina, is hereby amended to add a new Chapter 44 entitled "SMALL WIRELESS FACILITIES WITHIN THE RIGHT-OF-WAY," to read as follows:

44-1. Intent.

A. Background

The next wave of communications technology consisting of 5G technology utilizes higher frequencies with the capability to accommodate significantly higher data needs than current 4G/LTE technologies. The physical limits of the higher frequencies require that the transmitters be installed with much closer spacing than the 2± miles or greater distances that 4G/LTE technologies accommodate. The result of this physical need is that the public rights-of-way represent a convenient location for the required equipment.

On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order, FCC 18-133, titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" (the Order). The order outlines the extent to which local agencies may or may not regulate the

installation of small wireless communication facilities within the public rights-of-way and the use of existing public infrastructure.

Municipal aesthetic requirements will not be preempted if they are: (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance.

B. Intent

The intent of this ordinance is to accommodate the installation of small cell wireless facilities within the public rights-of-way within the City of Mauldin provided that installations are completed in a context-sensitive manner with regard to minimum standards for aesthetics, location, spacing, accommodation of multiple providers at each location, safety, noise, and equitable allocation of space.

Further, it is the intent of this ordinance to establish procedures and standards for the consideration, permitting, siting, construction, installation, collocation, modification, operation, regulation and removal of small cell wireless facilities in the public rights-of-way within the City of Mauldin. These procedures and standards are intended to comply with, and not conflict with or preempt, all applicable state and federal laws, and all FCC rules and regulations to interpret and implement applicable federal statutes.

44-2. Applicability.

Subject to the South Carolina State Code and approval of an application under this Ordinance, an operator may locate and/or collocate a small cell wireless facility and construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under public rights-of-way within the City of Mauldin.

An operator shall comply with this Ordinance and any rules, regulations, and design guidelines adopted by the City that are consistent with this Ordinance for the installation and/or collocation of a small cell wireless facility and construction, maintenance, modification, operation, or replacement of wireless support structures in, along, across, upon, and under the right-of-way within the City of Mauldin, unless otherwise prohibited by state or federal law.

Nothing in this Ordinance shall preclude the City from applying its generally acceptable health, safety, and welfare regulations when acting on an application for a permit for a small cell wireless facility in the right-of-way within the City of Mauldin.

44-3. Definitions.

Antenna means communication equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means uniform building, energy, electrical, plumbing, mechanical, gas, and fire codes in Title 6, Chapter 9, of the South Carolina Code of Laws, local amendments

to those codes authorized by state law, and local codes or ordinances which impose requirements defined in this ordinance including objective design and concealment standards to regulate location, context, material, color, stealth, and concealment standards on a uniform and nondiscriminatory basis.

Applicant means any person who submits an application to the City of Mauldin and is a wireless services provider or a wireless infrastructure provider.

Application means a request submitted by an applicant for a permit to (1) collocate small wireless facilities; or, (2) construct, install, maintain, operate, replace or modify a utility pole or wireless support structure.

City-owned pole means (1) a utility pole owned or operated by the City of Mauldin , and (2) a pole or similar structure owned or operated by the City of Mauldin that supports only wireless facilities.

Collocate means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to an existing wireless support structure or utility pole within the jurisdiction of the City of Mauldin.

Person means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Right-of-way means that area on, below, or above a public roadway, highway, street, sidewalk, alley dedicated to, managed or controlled by the City of Mauldin, Greenville County, or the State of South Carolina.

Small wireless facility or ***small cell wireless facility*** or ***small cell facility*** or ***SWF*** means equipment at a fixed location that enables wireless services between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Utility pole means a pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control devices, traffic control or directional signage, or a similar function regardless of ownership.

Wireless infrastructure provider means any person, including a person authorized to provide telecommunications services in the State, that builds, installs or maintains utility poles, wireless communication transmission equipment, small wireless facilities or wireless support structures.

Wireless services mean any services provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, delivered to the public using small wireless facilities.

Wireless services provider means a person who provides wireless services.

Wireless support structure or ***support structure*** means a freestanding structure, such as a monopole, or other existing or proposed structure designed to support or capable of supporting small wireless facilities.

44-4. Procedures.

A. Application

In accordance with federal and state law and City Code, an operator must apply to the City to locate a new small cell wireless facility and/or collocate any portion of a small cell wireless facility on an existing wireless support structure or to construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under the public rights-of-way within the City of Mauldin. Anyone seeking to perform any of these actions shall first duly file a written application with the City, in accordance with the requirements in this Ordinance and additional requirements set forth in any design guidelines as modified from time to time by the City.

Unless otherwise required by state or federal law, all applicants shall submit to the City all materials and information associated with each application as outlined below for the application to be considered complete:

(1) The applicant's name, address, telephone number and e-mail address;

(2) Facility owner's name, address, telephone number and e-mail address, if different from the applicant;

(3) Intended facility use: owner operated or owner leased capacity;

(4) The names, addresses, telephone numbers, and e-mail addresses, of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

(5) A general description of the proposed scope of work for the location or collocation of the small cell wireless facility;

(6) Verification that the small cell wireless facility shall comply with all applicable codes, including, but not limited to, this Ordinance, including without implication all applicable design guidelines;

(7) Verification of payment of the annual municipal consent or administrative fee for telecommunications companies to use public rights-of-way pursuant to S.C. Code § 58-9-2230 and acknowledgement of its continuing annual obligation;

(8) Verification of municipal business license, if applicable;

(9) Evidence that the applicant is duly authorized to do business in South Carolina;

(10) Evidence the applicant has received any necessary certificate of public convenience and necessity or other required authority from the South Carolina

Public Service Commission or the Federal Communications Commission or evidence that it is not required;

(11) A copy of an approved South Carolina Department of Transportation (SCDOT) encroachment permit and all documents required by SCDOT as part of the encroachment permit application, if the proposed location is within a SCDOT right-of-way; and

(12) A statement that the applicant has a lease, attachment agreement or other authorization from the owner of the utility pole or structure proposed for collocation.

B. Consolidated Application for Multiple Small Cell Wireless Facilities

Applicants seeking to construct, modify, collocate, or replace more than one small cell wireless facility, may file, at the applicant's discretion, a consolidated application for up to 20 requests in a single application and receive a single permit for the construction, modification, collocation, or replacement of the small cell wireless facility subject to the following:

(1) This single application may be filed for multiple small cell wireless facilities only if they are of substantially the same type.

(2) The City must separately address small cell wireless facilities for which incomplete information has been received or which are denied and it must grant a permit for any and all sites in a single application that it does not deny subject to the requirements of this Ordinance.

(3) In the case of a consolidated application, the fees shall be cumulative.

C. Fees and Costs

(1) *Application processing costs.* Unless otherwise provided by law, including without limitation S.C. Code § 58-9-2230, all applications for permits pursuant to this Ordinance shall be accompanied by an application processing cost of $100.00. Application costs for small wireless facilities applied for in a consolidated application shall be $100.00 each for the first five (5) small wireless facilities and $50.00 each for each additional small wireless facility.

(2) *Annual rate.* Pursuant to S.C. Code § 58-9-2230, each individual applicant will be subject to an annual franchise or consent fee. The annual rate to place a small wireless facility on a City-owned pole shall be $250.00 for each small wireless facility per year. This rate is in addition to reimbursement to the City for any expenses for make-ready work. The City reserves the right to require a pole attachment to further define the terms and conditions of attachments to City-owned poles.

(3) *Make-ready reimbursement.* For City-owned poles, the applicant shall reimburse the City for expenses for any reasonable make-ready work, if any are required. The City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested small cell wireless facility, including pole replacement if necessary.

(4) *Lawful fees and taxes.* In addition to the applicable fees as specified above, every permit shall include as a condition the applicant's agreement to pay such lawful franchise fees, business license taxes, administrative fees and consent fees as are permitted under applicable ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the City.

(5) *Cease payment following removal.* A wireless services provider is authorized to remove its facilities at any time from a City-owned pole and cease paying the annual rate to the City as of the next due date for payment following the removal, provided, however, the provider pay its pro-rata share of the remaining term and expenses, if any.

(6) *Tax liabilities and assessments not applicable.* Placement of a small cell wireless facility in the public rights-of-way or attachment of any portion of a small cell wireless facility to a wireless support structure and any fees associated therewith shall not subject the City to any state or local tax liabilities or assessments.

D. Application Review

(1) *Application completeness.* Shortly after receiving an application, the City will determine and notify the applicant whether the application is complete; or if an application is incomplete, the City will specifically identify the missing information.

(2) *Application review.* Absent an agreement to the contrary between the City and the applicant that is confirmed by e-mail or other writing, the City shall grant or deny an application according to its typical review timeframes.

(3) *Application denial.* If an application is denied, the City will provide in writing its reasons for denying the request, including, if applicable, specific references to any applicable law supporting the denial.

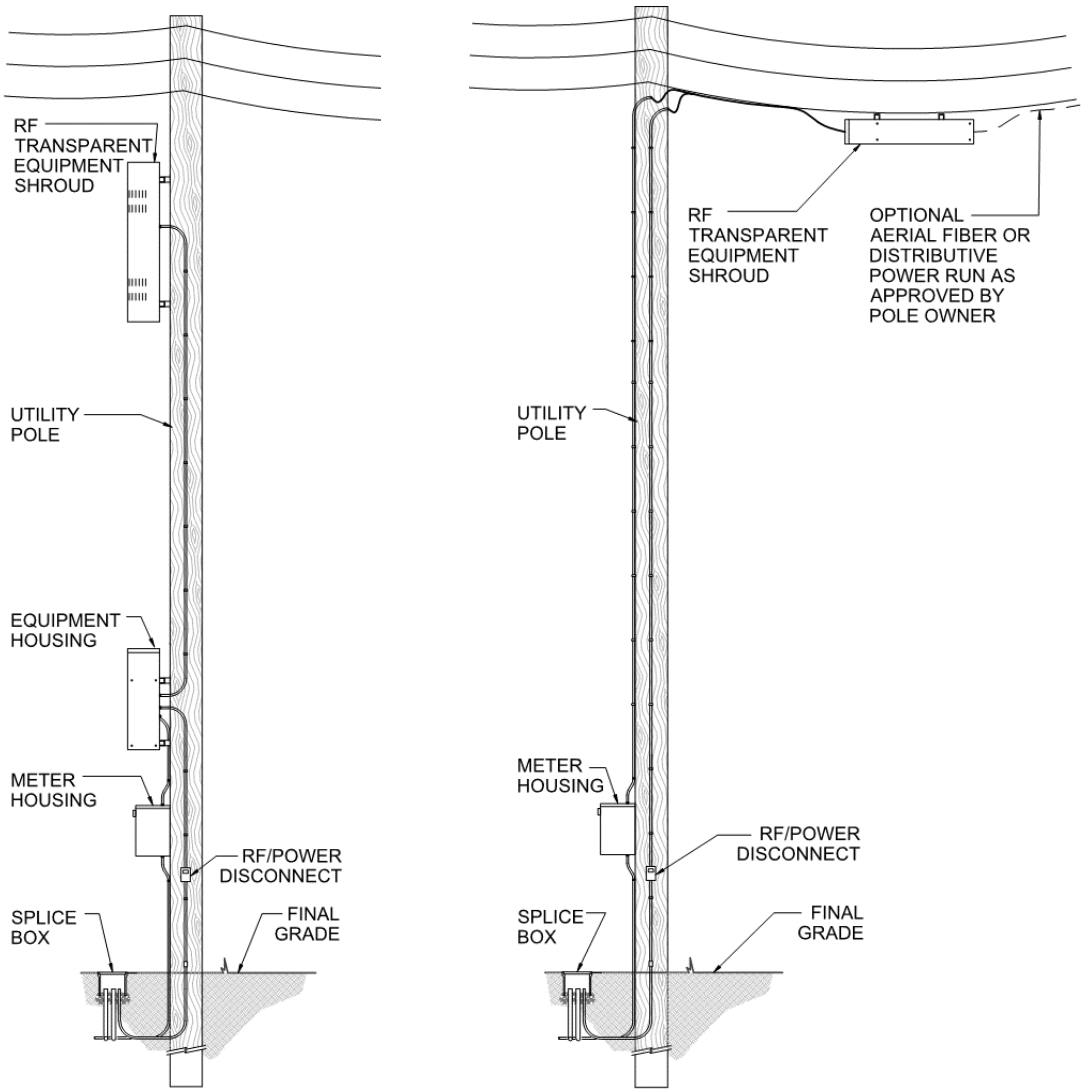
(4) *Application resubmittal.* Notwithstanding an initial denial, the applicant may cure the deficiencies identified by the City and resubmit the application to the City for further review.

(5) *Removal of a small cell wireless facility.* The City shall act on requests to remove wireless support structures associated with a small cell wireless facility from the public rights-of-way in accordance with its typical review timeframes for the general right-of-way permit required for this activity.

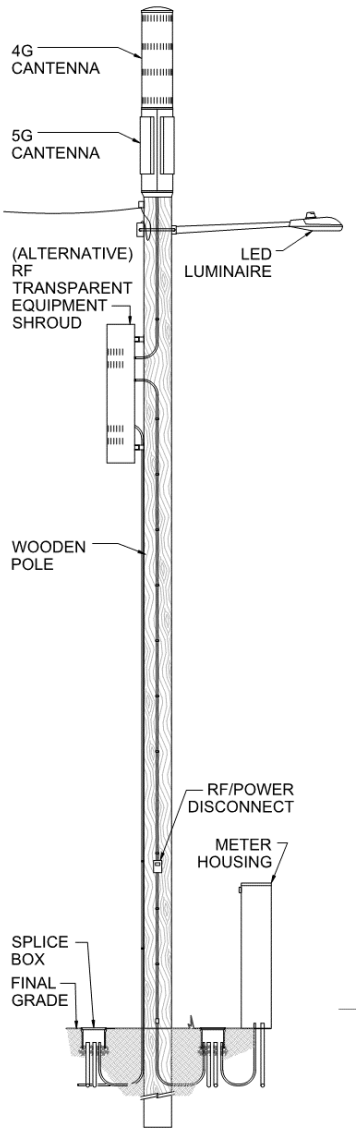
44-5. Small Cell Wireless Facilities Types

There are four types of small cell wireless facilities permitted within the City of Mauldin.

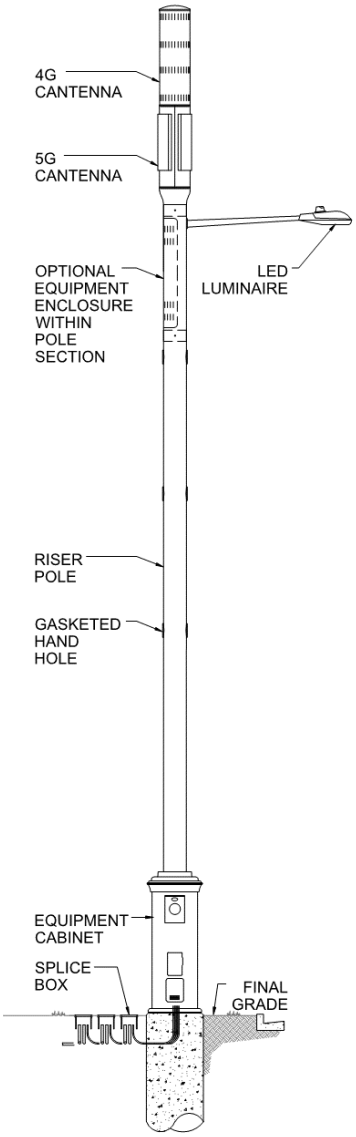
A. Type 1: Attachments to Utility Poles

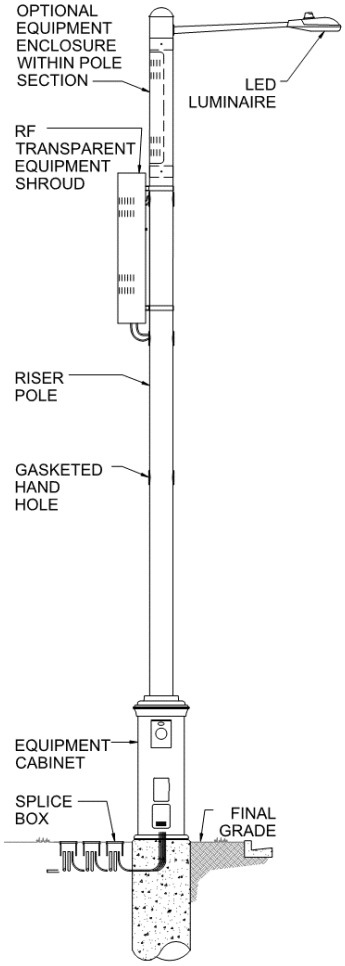


B. Type 2: Small Cell Wireless Facility on Existing Wooden Pole with Streetlight

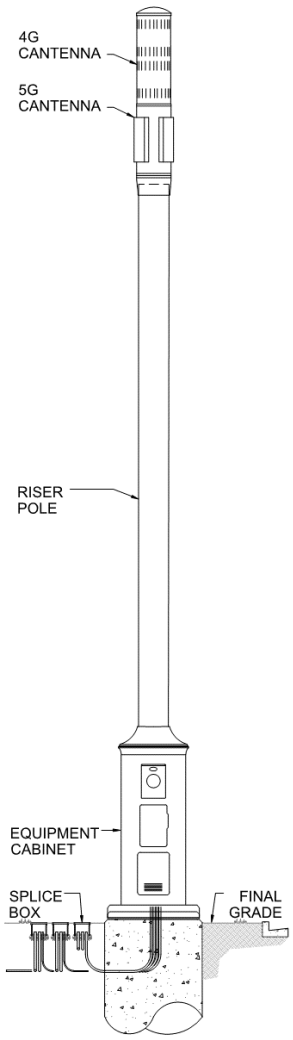


C. Type 3: Combination Small Cell Wireless Facility and Streetlight





D. Type 4: Freestanding Small Cell Wireless Facility Monopole Structure



E. Installation Type Preferences

(1) The most preferred installation type is a collocation of an antenna and associated small cell facilities on an existing privately owned utility pole along a side street.

(2) The least preferred installation type is a new freestanding small cell facility.

(3) Existing decorative light poles are not permitted for collocations of small cell facilities due to the design aesthetics, height, and structure capacity of these fixtures.

(4) In an effort to reduce congestion and clutter in the public right-of-way, applicants shall consider existing support structures prior to installing any new support structures.

44-6. Design Guidelines

The following standards shall apply to all small cell facilities within the public right-of-way throughout the City of Mauldin, unless otherwise noted.

A. Antennas

(1) Mounting Specifications

(a) *Top-mounted.* Unless otherwise required by the owner of the pole, all antenna shall be top mounted to the top of the support structure pole, aligned with the centerline of the structure.
(b) *No overhang.* No antenna shall overhang the roadway, sidewalk, or other travel way.

(2) Maximum Size

(a) *Volume.* Each antenna shall be located entirely within a shroud enclosure of not more than three (3) cubic feet in volume.
(b) *Height.* No antenna shall exceed a height of 30 inches.
(c) *Diameter.* The diameter of the antenna or antenna enclosure shall typically not exceed the diameter of the top of the support structure pole, and to the maximum extent practical, shall appear as a seamless vertical extension pole. In no case shall the maximum diameter of the shroud be wider than 1.25 times the diameter of the top of the pole. Where the maximum shroud diameter exceeds the diameter of the top of the pole, the shroud shall be tapered to meet the top of the pole.

(3) Design Specifications

(a) *Shape.* Antennas shall be generally cylindrical in shape.
(b) *Enclosure.* Antenna shall be completely housed within a cylindrical shroud that is capable of accepting paint to match the support structure.
(c) *Color.* Color for all antennas and shrouds shall match the color of the support structure.

B. Associated Small Cell Facilities and Equipment

(1) Pole-mounted equipment shall only be installed when the applicant can demonstrate with clear and convincing evidence that other methods of equipment placement, such as underground installations and installations inside the pole, are not technically feasible or not potentially available.

(2) Specifications

(a) *Maximum size.* Exclusive of the antenna, all wireless equipment associated with the small cell facility shall not cumulatively exceed twelve (12) cubic feet in volume.
(b) *No overhang.* No portion of a wireless support structure or small cell facility cabinet or enclosure shall overhang the roadway, sidewalk, or other travel way.
(c) *Color.* Color for all small cell facilities and enclosures/cabinets attached to wireless support structures or integrated within the transformer base shall match the color of the associated wireless support structure.
(d) *Hardware*. All hardware attachments shall be hidden.
(e) *Service lines*. All service lines from the power source to the small cell facilities and wireless support structure shall be located underground.
(f) *Wiring and cables*. All wiring and cables must be housed within the steel support structure or pole and extended vertically within a flexible conduit. Where not technically feasible or practical, all cables shall be in conduits and shall be flush with the pole. Exposed wires, cables, connections and external conduit are prohibited.
(g) *Excess wires and cables.* Spools and/or coils of excess fiber optic or coaxial cables or any other wires shall not be stored on the pole except completely within the approved enclosures or cabinets.

C. Small Cell Facilities Mounted to Wireless Support Structures

(1) Mounting Specifications

(a) *Minimum clearance.* All small cell facilities mounted to wireless support structures shall provide a minimum clearance of 10 feet above established grade.
(b) *Placement on pole.* All small cell facilities and equipment enclosures shall be mounted on the side of the pole opposite the direction of vehicular traffic of the adjacent roadway. Enclosures shall extend perpendicular from the pole and parallel to the right-of-way.
(c) *Flush mounting.* All pole-mounted equipment and enclosures shall be installed as flush to the pole as possible. In no case shall an enclosure be installed more than four (4) inches from the wireless support structure pole.
(d) *Maximum protrusion.* Small cell equipment enclosures shall not protrude more than eighteen (18) inches beyond the face of the pole to the outermost portion of the enclosure.
(e) *Attachment method.* The shroud enclosure shall be securely strapped to the wireless support structure pole using stainless steel banding straps. Through-bolting, use of lag bolts, or welding on publicly-owned wireless support structures is prohibited. New wireless support structures may utilize mounting brackets in accordance with the maximum horizontal

offset requirements. Care should be taken to integrate the mounting hardware into the enclosure design.

(f) *Multiple enclosures.* Where multiple enclosures are proposed on a wireless support structure pole, the enclosures shall be grouped as closely together as possible on the same side of the pole. No more than two enclosures shall be mounted or attached to any individual pole.

(2) Design Specifications

(a) *Size.* Small cell equipment enclosures shall be the smallest size practicable to house the necessary small cell facilities and equipment.

(b) *Shape and width.* Small cell equipment enclosures shall be cylindrical or curved in shape, and shall generally be no wider than the maximum outer diameter of the pole to which it is attached, to the maximum extent possible.

(c) *Concealment of gap.* Metal flaps or "wings" shall extend from the enclosure to the pole to conceal any gap between the enclosure and the pole. The design of the flaps shall be integrated with the design of the enclosure.

(d) *Color.* All small cell equipment enclosures shall be painted to match the color of the associated wireless support structure. On a wood pole, the enclosures and hardware shall be colored gray.

(3) City-Owned Support Structures

(a) *Agreement.* The City, in its proprietary capacity, retains sole and absolute discretion over whether and on what terms it may allow small cell facilities on its structures. Applicants shall provide a valid and fully executed agreement to use any City-owned support structure.

(b) *Power supply.* Small cell facilities located on City-owned structures shall not use the same power or communication source providing power and/or communication for the existing facility original to the purposes of the structure. The independent power source must be contained within a

separate conduit inside the support structure. The applicant shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.

(c) *Power disconnect.* The City reserves the right to disconnect power to the radio when working on the structure. The applicant shall provide a disconnect so the City has the ability to easily shut off radio signals and power while working on the structure.

D. Ground Mounted Equipment Cabinets

(1) Design Specifications

(a) *Cabinet.* Ground-mounted equipment shall be concealed within a single shroud or cabinet and shall contain all the equipment associated with the facility other than the antenna.

(b) *Installation types.* Ground-mounted equipment may only be installed in the following applications: (1) concealed within the pole, (2) placed within a cabinet integrated in the base of the pole, (3) in an existing above-ground cabinet, or (4) placed in a flush-to-grade underground equipment vault.

(c) *Color.* Color for all ground-mounted cabinets shall match the pole color.

(d) *Shape.* Equipment cabinets integrated in the base of the pole shall be cylindrical.

(e) *Size.* Equipment cabinets integrated in the base of the pole shall not exceed a diameter of eighteen (18) inches. Where the diameter of the cabinet exceeds the diameter of the pole, the transition between the cabinet and the pole shall be tapered.

(f) *Conduits.* All cables and conduits associated with the equipment shall be concealed from view and shall be underground between the pole and the ground-mounted cabinet.

(g) *Owner identification.* A maximum four (4) inch by six (6) inch plate with the Carrier's name, location, identifying information, and emergency telephone number shall be permanently fixed to the cabinet on the side of the cabinet opposite the direction of vehicular traffic to the adjacent roadway.

(2) Placement Specifications

(a) *Sight triangles.* Ground mounted equipment cabinets shall comply with the City of Mauldin regulations regarding sight distance triangles.

(b) *No obstructions.* Ground mounted equipment cabinets shall be located so as to avoid any physical or visual obstruction to pedestrian or vehicular traffic or any other location that would create safety hazards to pedestrians, cyclists, or motorists.

E. New Wireless Support Structures

(1) New wireless support structures shall only be constructed when the applicant can demonstrate with clear and convincing evidence that using an existing structure is not technically feasible or not potentially available.

(2) Placement Specifications

(a) *Alignment with existing features.* New wireless support structures shall be located in alignment with existing trees, facilities, support structures, tower, utility poles, and streetlights, and are to be spaced evenly between any of these other objects.
(b) *Alignment with property lines.* New wireless support structures shall be aligned as close as practicable with adjacent side property lines, or with shared wall locations in adjacent multi-tenant structures.
(c) *Storefronts and signs.* In no case shall a wireless support structure be sited directly in front of an adjacent building entrance or storefront. Special care shall be taken to avoid siting wireless support structures in conflict with business signs.
(d) *Spacing from existing poles.* New wireless support structures shall be spaced a minimum of 250 feet from any existing poles including, but not limited to, utility poles, street light poles, and traffic signal poles.
(e) *Sight triangles.* New wireless support structures shall not be sited in conflict with required intersection sight distance triangles.
(f) *Setback from intersections.* New wireless support structures shall be setback at least 100 feet from any public street intersection measured from the closest edge of the street.
(g) *Setback from driveways.* New wireless support structures shall be located a minimum of twenty (20) feet from driveway aprons.
(h) *Setback from trees.* New wireless support structures shall be located a minimum of fifteen (15) feet from all trees to prevent disturbance within the critical root zone of any tree.
(i) *Setback from sidewalks.* New wireless support structures shall be located a minimum of two (2) feet from any sidewalk edge or other walkway.
(j) *Setback from roadways.* New wireless support structures shall be located a minimum of four (4) feet from any road pavement edge.
(k) *Setback from objects.* New wireless support structures shall be located a minimum of six (6) feet from any other permanent object, such as fire hydrants, or existing lawful encroachment in the right-of-way to allow for access.
(l) *No obstructions.* New wireless support structures shall be located so as to avoid any physical or visual obstruction to pedestrian or vehicular traffic or any other location that would create safety hazards to pedestrians, cyclists, or motorists.

(3) Maximum Size

(a) *Height.* New wireless support structures and antennas shall be no taller than functionally necessary, and coordinate with the height of existing poles in the same right-of-way to the maximum extent practicable. If a compatible height cannot be clearly determined, then a maximum pole height of 30 feet above grade shall be used.

(b) *Diameter.* Pole diameter shall be consistent with the surrounding poles.

(4) Design Specifications

(a) *Generally.* New poles shall match existing poles in appearance, height, design, and material as those used on the same section of street. However, where requirements herein in represent a higher standard, the higher standard shall apply.

(b) *Color.* Color for new wireless support structures shall match the color of existing poles in the same right-of-way to the maximum extent practicable. In the absence of existing poles, the color shall be a black powder coated finish.

(c) *Shape.* New poles shall be cylindrical in shape.

(d) *Material.* New poles shall be constructed of metal. Wood poles shall be prohibited.

(e) *Equipment cabinet.* All small cell carrier equipment shall be housed internal to an equipment cabinet at the base of the pole or otherwise hidden inside the pole.

F. Minimum Spacing and Maximum Number

Blockface Length Intervals (in feet)[1]	**Number of Small Cell Facilities Permitted per Blockface[2]**	**Minimum Distance between Facilities on the Same Blockface (in feet)[3]**	**Limit per Carrier per Block[4]**
0 – 150	1	N/A	1
151 – 300	2	60	1
301 – 450	3	60	1
451 – 600	4	60	1
601 – 750	5	60	2
Over 750	6	60	2

[1] Block lengths shall be measured along the edge of curb between the edge lines extended of adjacent intersecting streets.

[2] This is inclusive of all types of installations and regardless of carrier.

[3] In other words, the minimum distance between two facilities sharing the same side of the block. Distance shall be measured in a linear fashion along the edge of curb between two facilities' center points.

[4] A block is defined as two opposing blockfaces.

G. Removal of Small Cell Facilities and Wireless Support Structures

(1) Remediation

(a) *General area.* Applicants shall restore all areas of the right-of-way impacted by the small cell facilities and/or wireless support structure installation and/or removal to equal or better condition.

(b) *City-owned structures.* All City-owned support structures shall be returned to an equal or better state, upon removal of small cell facilities. All mounting hardware and equipment shall be removed from the site. All holes left in the pole shall be neatly sealed from any moisture intrusion and painted to match the pole.

H. Other Small Cell Facilities Requirements

(1) Lighting

(a) Lighting association with small cell facilities is prohibited. Any internal lights associated with electronic equipment shall be shielded from public view. This provision shall not be interpreted to prohibit the installation of luminaires on new poles.

(2) Noise

(a) Noise produced by small cell facilities shall not exceed 5dBA above ambient sound. Other noise regulations may apply.

(3) Labels and Signage

(a) *Owner identification.* A maximum four (4) inch by six (6) inch plate or label with the Carrier's name, location, identifying information, and emergency telephone number shall be permanently affixed to the small cell equipment enclosure on the side of the enclosure opposite the direction of vehicular traffic of the adjacent roadway. ID labels shall use background colors that match the color of the enclosure to which the label is affixed.

(b) *RF warning sticker.* A maximum four (4) inch by six (6) inch sticker shall be affixed to the small cell facility on the side of the facility opposite the direction of the adjacent roadway as may be required by government or utility regulations. Stickers shall use background colors that match the color of the facility to which the label is affixed.

(c) *Signage.* Signage is prohibited on all small cell facilities and wireless support structures, including stickers, logos, text, and other non-essential graphics and information other than the owner identification unless required by FCC.

(4) Prohibited Wireless Facilities

(a) Microwave, macro towers, and other wireless backhaul facilities are not permitted within the right-of-way.

(5) Engineering

(a) All small cell facilities and wireless support structures can have a significant structural, wind and other loading impact. All small cell facilities attachments and new wireless support structures shall be properly engineered to assure safety.

(b) All structural components of small cell facilities and wireless support structures shall be designed for a minimum of 115 MPH wind velocity in accordance with applicable standards.

(6) Health and Safety

(a) All small cell facilities and wireless support structures shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, including without limitation all applicable regulations for human exposure to radiofrequency (RF) emissions.

(b) The applicant shall certify that radiation is at safe levels by a non-ionizing radiation electromagnetic radiation report (NIER). The NIER report shall be endorsed by a qualified professional. The report shall specify minimum approach distances to the general public as well as electrical and communication workers that are not trained for working in an RF environment (uncontrolled) when accessing the pole by climbing or bucket.

This ordinance shall become effective upon and after its final passage.

Passed on First Reading: _____

Passed on Second Reading _____

CITY OF MAULDIN, SOUTH CAROLINA

BY: _____

Terry Merritt, Mayor

ATTEST:

_____

Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

_____

John Duggan, City Attorney